

Richard T. Drury (SBN 163559)
richard@lozeaudrury.com
Rebecca Davis (SBN 271662)
rebecca@lozeaudrury.com
LOZEAU DRURY LLP
1939 Harrison St., Suite 150
Oakland, CA 94607
Telephone: (510) 836-4200
Facsimile: (510) 836-4205

[Additional counsel appearing on signature page]

Attorneys for Plaintiff and the Alleged Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,
INC., individually and on behalf of all others
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**NOTICE OF FURTHER CONFERRAL
REGARDING PLAINTIFF'S MOTION
FOR EXTENSION OF ALL
REMAINING DISCOVERY
DEADLINES**

Judge: Hon. Edward M. Chen
Courtroom: 5
Complaint Filed: September 11, 2019

Plaintiff Abante Rooter and Plumbing, Inc. ("Plaintiff" or "Abante") provides the following Notice of Further Conferral regarding Plaintiff's Motion For Extension of All Remaining Discovery Deadlines.

1. Plaintiff filed its Motion for Extension of All Remaining Discovery Deadlines ("Motion") on September 14, 2020. (Dkt. 57.)

2. On September 15, 2020, the Court advised Plaintiff's counsel to either notice the Motion for a hearing with a regular briefing schedule or file a motion or stipulation relating to the briefing schedule.

3. Plaintiff's counsel promptly conferred with counsel for Defendant Total Merchant Services, LLC ("Defendant" or "TMS") regarding whether Defendant would stipulate to a shortened briefing schedule. TMS's counsel advised that it does not believe that a briefing

1 schedule is necessary and does not plan to file an opposition. TMS's counsel clarified that TMS
 2 objects to the length of the three-month extension, however, it does not object to a shorter
 3 extension. TMS defers to the Court's judgment as to the length of the extension.

4 4. Plaintiff does not believe a shorter extension is likely to work here. While Plaintiff
 5 is hopeful that it can complete all class related discovery within sixty (60) days, Plaintiff
 6 continues to believe that a three-month extension is necessary given the uncertainty relating to the
 7 outstanding subpoenas and potential unforeseen scheduling conflicts or delays that tend to occur
 8 at the end of the year.

9 5. The Parties also do not believe that a hearing is necessary on the Motion. Should
 10 the Court find that further argument is necessary, the Parties propose that any outstanding issues
 11 be addressed at the upcoming case management conference scheduled for September 24, 2020.

12 6. The undersigned further certifies that counsel for TMS has reviewed this notice
 13 and does not object to its contents.

14
 15 Respectfully submitted,

16 Dated: September 15, 2020

ABANTE ROOTER AND PLUMBING, INC.,
 individually and on behalf of all others similarly
 situated,

18 By: /s/Taylor T. Smith
 19 One of Plaintiff's Attorneys

20 Richard T. Drury (SBN 163559)
 richard@lozeaudrury.com
 21 Rebecca Davis (SBN 271662)
 rebecca@lozeaudrury.com
 LOZEAU DRURY LLP
 1939 Harrison St., Suite 150
 22 Oakland, CA 94607
 Telephone: (510) 836-4200
 23 Facsimile: (510) 836-4205

24
 25 Steven L. Woodrow (*admitted pro hac vice*)
 swoodrow@woodrowpeluso.com
 26 Patrick H. Peluso (*admitted pro hac vice*)
 ppeluso@woodrowpeluso.com
 27 Taylor T. Smith (*admitted pro hac vice*)
 tsmith@woodrowpeluso.com
 28

Woodrow & Peluso, LLC
3900 E. Mexico Ave., Suite 300
Denver, Colorado 80210
Tel: 720-213-0675

Attorneys for Plaintiff and the Classes

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via Court's ECF system on September 15, 2020.

/s/ Taylor T. Smith